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OCT 04 2004

Patent
Case No.: 53634US002

32692

Customer Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: **INSLEY, THOMAS I.**

Application No.: **09/099632**

Filed: **June 18, 1998**

Title:

MICROCHANNELED ACTIVE FLUID HEAT EXCHANGER

Group Art Unit: **3743**

Examiner: **Leonard R. Leo**

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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| <u>4 Oct. 2004</u> Date | <u>Laci Burhop</u> Signed by: Laci Burhop |

Dear Sir:

This paper is filed in response to the telephonic interview between Examiner Leo and Applicants' representative, Christopher Gram, on October 1, 2004, and includes:

- Interview Summary (page 2)
- Request for Rejoinder of Non-elected Claims (page 3)
- Conclusion (page 4)

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Interview Summary

Applicants acknowledge the courtesy of Examiner Leo in conducting a telephonic interview with Applicants' representative, Christopher Gram, on October 1, 2004 to resolve all outstanding issues in the prosecution of the present application. Claim 1 was discussed with reference to U.S. Patent No. 6,290,685, co-owned by Applicants' assignee, 3M Innovative Properties Company. Examiner Leo indicated that claim 1 would be rejected under the judicially created doctrine of obviousness-type double patenting, but that the application could be allowed if Applicants filed a terminal disclaimer under 37 CFR § 1.321(b), disclaiming any patent term that would extend beyond the expiration of U.S. Pat. No. 6,290,685.

Agreement was reached. A terminal disclaimer under 37 CFR § 1.321(b) is filed herewith.

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Request for Rejoinder of Non-elected Claims

Claims 1-25, 31, 32, and 34 are pending in the application.

Claims 6-8, 11, and 25 are withdrawn from consideration as being drawn to non-elected species. Because each of claims 6-8 and 11 depends, indirectly, from generic claim 1, Applicants hereby request that claims 6-8 and 11 be rejoined and considered prior to allowance of the application. Because claim 25 depends, indirectly, from generic claim 21, Applicants hereby request that claim 25 be rejoined and considered prior to allowance of the application.

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Conclusion

In view of the above, Applicants submit that the application is in condition for allowance. Reconsideration of the application and allowance of claims 1-25, 31, 32, and 34 is requested.

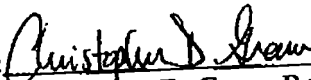
It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723.

Respectfully submitted,

Date

10/4/2004

By:



Christopher D. Gram, Reg. No.: 43,643

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Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833